

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

18 CRIM 657

UNITED STATES OF AMERICA

- v. -

DION MICKENS,  
HENRY FERMIN,  
JONATHAN RICHARDSON,  
DAVID BRAUN, and  
MYKEL MAYS,

Defendants.

COUNT ONE

The Grand Jury charges:

1. From at least in or around October 2017, up to and including in or around July 2018, in the Southern District of New York and elsewhere, DION MICKENS, HENRY FERMIN, JONATHAN RICHARDSON, DAVID BRAUN, and MYKEL MAYS, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DION MICKENS, HENRY FERMIN, JONATHAN RICHARDSON, DAVID BRAUN, and MYKEL MAYS, the defendants, and others known and unknown, would and did distribute and possess with the intent to a distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

SEALED  
INDICTMENT

18 Cr.

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED 9/14/18

3. The controlled substance that DION MICKENS, HENRY FERMIN, JONATHAN RICHARDSON, DAVID BRAUN, and MYKEL MAYS, the defendants, conspired to distribute and possess with intent to distribute was 28 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack cocaine," in violation of Title 21, United States Code, Section 841(b)(1)(B).

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense charged in Count One of this Indictment, DION MICKENS, HENRY FERMIN, JONATHAN RICHARDSON, DAVID BRAUN, and MYKEL MAYS, the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendants personally obtained.

Substitute Assets Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of DION MICKENS, HENRY FERMIN, JONATHAN RICHARDSON, DAVID BRAUN, and MYKEL MAYS, the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Sections 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

Burt Myerlot 9/14/18  
FOREPERSON

Geoffrey S. Berman  
GEOFFREY S. BERMAN *ms*  
United States Attorney

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(21 U.S.C. § 846.)

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GEOFFREY S. BERMAN  
United States Attorney.

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A TRUE BILL

*Baron M. [Signature]* Foreperson.

9/14/18

Filed Indictment under seal  
Arrest warrants issued

USMJ Fox MGE